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| EXAMINER |
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MCCORMICK, GABRIELLE A

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3629

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03/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |  |                                     |  |
|------------------------------|--|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/602,593   | <b>Applicant(s)</b><br>TIVEY ET AL. |  |
|                              | <b>Examiner</b><br>GABRIELLE MCCORMICK | <b>Art Unit</b><br>3629             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the amendment filed on January 31, 2008.
2. Claims 1, 17 and 20 have been amended.
3. Claims 5, 6 and 19 have been canceled.
4. Claims 1-4, 7-18 and 20 are currently pending and have been examined.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-4, 7, 14, 17-18 and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Buckenmayer (US Pub. No. 2002/0165728).
7. **Claims 1 and 17:** Buckenmayer discloses a method and system (access to the Web via a personal computer (inherently containing processing and interface capabilities) is assigned to a sales representative or manager; see para. [0042]) for managing sales leads:
  - *an agent working a sales lead;* (para. [0055] "SRx 20 may begin with the processing of the inquiry.")
  - *obtaining disposition information regarding the sales lead, the disposition information representing a disposition of the sales leads; transmitting the disposition information to a lead processing portion;* (para. [0022]: sales representative has transacted the disposition of a

- lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed.)
- *the disposition information relates to at least one of interaction between the sales agent and a person from who the sales lead was received and a non-action of the sales agent* (P[0194]: "Lead source" includes "RCA1" ("Campaign description table" (P[0196]: the campaign description inherently includes interactions between the sales agent and a lead source ("a person from who the sales lead was received" because it includes dates and milestones to achieve or that have been achieved). Broadly interpreting "a person from who the sales lead was received" describes the lead assignor. P[0068] discloses "the sales representative can refuse to take the lead. By entry of a corresponding note of refusal at 44, the lead again receives the initial status "O" and is further available to the business process, just like a newly generated lead." Thus, the "Refuse\_Text" (P[0197]; Table LLL0 becomes the disposition information relating to the interaction of the refusal.)
  - *comparing the disposition information with associated disposition rules in the lead processing portion; and controlling the further processing of the sales lead based on a disposition rule selected as a result of the comparing.* (para. [0055]: "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2 wherein the version of the inquiry file that has been present up to now, but is no longer current, is overwritten." The process of overwriting a file inherently includes performing a comparison to find the previous version so that it can be overwritten.)
8. **Claims 2, 3, 4 and 18:** Buckenmayer discloses a sales agent terminating working the lead and entering a disposition code. (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed.)
9. **Claim 5:** Buckenmayer discloses providing the "Lead source" (para. [0104]).

10. **Claim 7:** Buckenmayer discloses searching leads by status (para. [0143] and para. [0160] changing leads (a status, i.e., disposition code, could be assigned at this point).
11. **Claim 14:** Buckenmayer discloses entering the "Name of person making the entry" (para. [0082]) and "Changing or deleting a lead is only possible for the person entering it" (para. [0160]).
12. **Claim 20:** Buckenmayer discloses
  - *an agent working a sales lead; ; (para. [0055] "SRx 20 may begin with the processing of the inquiry.")*
  - *obtaining disposition information regarding the sales lead, the disposition information representing a disposition of the sales leads; transmitting the disposition information to a lead processing portion; (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed.)*
  - *comparing the disposition information with associated disposition rules in the lead processing portion; and controlling the further processing of the sales lead based on a disposition rule selected as a result of the comparing; (para. [0055]: "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2 wherein the version of the inquiry file that has been present up to now, but is no longer current, is overwritten." The process of overwriting a file inherently includes performing a comparison to find the previous version so that it can be overwritten.)*
  - *the disposition information relates to at least one of interaction between the sales agent and a person from who the sales lead was received and a non-action of the sales agent (P[0194]: "Lead source" includes "RCA1" ("Campaign description table" (P[0196]: the campaign description inherently includes interactions between the sales agent and a lead source ("a person from who the sales lead was received" because it includes dates and milestones to achieve or that have been achieved). Broadly interpreting "a person from who the sales lead was received" describes the lead assignor. P[0068] discloses "the sales representative can refuse to take the lead. By entry of a corresponding note of refusal at 44, the lead again receives the initial status "O" and is*

further available to the business process, just like a newly generated lead.” Thus, the "Refuse\_Text" (P[0197]; Table LLL0 becomes the disposition information relating to the interaction of the refusal.)

- *wherein the obtaining disposition information is performed by the sales agent, working the sales lead, entering the disposition information; wherein the disposition information is entered in conjunction with the sales agent terminating working the lead; (para. [0022]: sales representative has transacted the disposition of a lead and clicks the “dispose of lead” button which automatically changes the attribute status to “C” for closed.)*
- *and the method further including a sales management person effecting: inputting search criteria in the sales lead system to identify sales leads having particular attributes; and identifying identified sales leads having the particular attributes; and wherein the obtaining disposition information regarding the sales lead includes assigning a disposition code to each of the identified sales leads, the disposition information being the disposition code. (para. [0143] and para. [0160] changing leads (a status, i.e., disposition code, could be assigned at this point).*

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010806080042/leadtrack.com/appfeatures.html>; <http://web.archive.org/web/20010811025743/leadtrack.com/reports/terr.gif>; and

<http://web.archive.org/web/20010811024757/leadtrack.com/reports/overdue.gif> hereinafter referred to as "Leadtrack").

15. **Claim 8:** Buckenmayer discloses the method of claims 1, 7 and 17. Buckenmayer does not disclose *an amount of time that a particular sales lead has aged subsequent to the particular sales lead being assigned to an agent, with no disposition being performed upon the particular sales lead.*
16. Leadtrack, however, discloses an "Overdue Lead Report" on page 4 wherein leads for a territory under "Bill Johnson" are past due without any activity. It is inherent that in generating this report, the age of the leads is a searchable attribute. ("Records with no follow-up activity (i.e., *no disposition being performed upon the particular sales lead*) for" and a selectable field with 30 days as the sample report. Without such an attribute, the report could not be generated.)
17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tracking aging of leads without activity, as disclosed by Leadtrack in the system disclosed by Buckenmayer, for the motivation of providing a method of evaluating sales agent productivity. Buckenmayer teaches "the generation of a lead to project termination, should be understandable in a completely electronic form" (P[0007]). As it is old and well known that the purpose of sales leads is to generate sales, it is therefore obvious that any system that tracks lead generation through to project termination would be motivated to also track the productivity of the sales agents. The expansion of the system of Buckenmayer include such a capability allows the ability to maximize profits by ensuring that leads that have aged can be reassigned to prevent them from becoming stale, thus risking losing the ability to make a sale.
18. **Claims 9 and 10:** Buckenmayer discloses the method of claim 1. Buckenmayer further discloses *permanently terminating work on the sales lead based on the disposition;* (para. [0053]: T=Lead timeout, i.e., no lead processing is to be conducted any longer) and *storing sales lead information representing the sales lead in a leads memory portion* (para. [0055] ): "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2...").

19. Buckenmayer does not disclose one of: *suppression of the sales lead, application submitted associated with the sales lead, rework the sales lead, and effect sleep of the sales lead or comparing a new lead, having new lead information, to the sales lead information to determine if the new lead is a duplicate of the sales lead.*
20. Leadtrack discloses "Automatic on-line checking for duplicates" (page 1; bullet 6) and various "Lead Status" keys, such as "D—DEAD". The applicant's specification points to their Figure 16 as "Illustrative Dispositions of Leads" where under the suppressed grouping, "DECEASED" is a disposition. Therefore, Leadtrack's status key of "D—DEAD" teaches the limitation of a "suppression disposition".
21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included suppression keys and duplicate checking, as disclosed by Leadtrack, in the system disclosed by Buckenmayer, for the motivation of providing detailed information on the status of a lead.
22. **Claims 11, 13 and 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Schultze (US Pat. No. 7,047,206).
23. **Claim 11:** Buckenmayer discloses the method of claim 1. Buckenmayer further discloses *periodically checking the sales lead to determine if the period has expired* (para. [0025]: timer) Buckenmayer does not disclose *placing the sales lead into a sleep state so as to temporarily prevent assignment of the sales lead; and upon the sleep state expiring, reviving the lead for working.*
24. Schultze, however, discloses a user selecting a lead contact result of "evaluation" or "project" in which the lead needs time to make a decision. A time limit is set which requires the user to follow-up on leads, hence, reviving the lead for working. (col. 7; lines 1-15).
25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included working the lead further after an evaluation period, as disclosed by



Schultze, in the system disclosed by Buckenmayer, for the motivation of allowing a customer to determine whether the product meets their needs.

26. **Claim 13:** Buckenmayer discloses auto-assigning the sales lead. (para. [0131]).
27. **Claim 15 and 16:** Buckenmayer discloses the limitations of claim 1. Buckenmayer does not disclose *a re-workable type of lead or the agent associating a disposition to the sales lead indicating that the sales lead is to be reworked, the first agent not having worked the sales lead that is assigned to the sales agent; and controlling the further processing of the sales lead includes forwarding the sales lead to a second agent for working the sales lead without suppressing the sales lead.*
28. Schultze discloses a method for assigning and tracking leads in which a first agent is provided a limited time that the lead is “available exclusively”. “The reseller must contact the lead before the lead becomes available again to other resellers.” (col. 2; lines 35-49).
29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included reworking a lead by a second agent, as disclosed by Schultze, in the system disclosed by Buckenmayer, for the motivation of reducing the number of leads that become cold...” (Schultze; col. 2; lines 41-43).
30. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Schultze (US Pat. No. 7,047,206) in view of **Official Notice**.
31. **Claim 12:** Buckenmayer in view of Schultze teach the limitations of claim 11, but do not teach determining a client has submitted a new response and reviving the lead for working.
32. However, the Examiner takes **Official Notice** that the further processing of a lead toward a potential sale as a result of receiving a request from a client for a quote or additional product literature is old and well known in the marketing and sales arts. Schultze teaches that a client may need to evaluate sales information. The potential outcomes may be a request for additional literature or a request for a quote, at which time, a sales representative would begin “working the

lead" by providing these requested items in the hope that a sale will eventually result from these efforts.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included reviving a lead as a result of client contact in the system disclosed by Buckenmayer, for the motivation of maximizing the potential sales order of the lead.

### ***Response to Arguments***

34. Applicant's arguments filed January 31, 2008 have been fully considered but they are not persuasive.
35. With regard to claim 1, now amended to include claims 5 and 6, applicant argues that Buckenmayer does not disclose "any information relating to the interaction between the sales agent and the person from who the sales lead was received." The above discussed rejection for claim 1 details the interpretation of this claim and more clearly points to sections of Buckenmayer that teach "interaction".
36. The applicant's discussion of the combination of Leadtrack with Buckenmayer, though now moot with regard to claim 1, states that "the information in the Overdue Lead Report" is not disposition information. The Examiner disagrees, as this report shows the status (i.e., disposition) of records that have had no activity for 30 days. The act of generating this report inherently involves comparing the data with disposition rules in order to create it.
37. Applicant further argues that the Examiner did not provide a proper motivation to combine the references in that the Examiner provided "a conclusory statement without rational underpinning to support the legal conclusion of obviousness" and further stated that the "alleged rational underpinning is based on improper hindsight." It is unclear to the Examiner whether the Applicant is asserting that either no rational underpinning was provided (with which the Examiner disagrees; the rationale provided asserted a motivation "of providing a method of evaluating sale

s agent productivity" (Office Action of October 31, 2007; pg. 5; P16)) or whether the rationale was based on improper hindsight. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

- 38.** With respect to claim 8, the Applicant's arguments do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The Applicant has merely asserted that Leadtrack does not teach the claimed limitation. The rejection of claim 8 above further details the interpretation of the art. Further, the Applicant asserts that the Examiner did not provide a rational underpinning as a motivation to combine the references. The Examiner disagrees and points to Office Action of October 31, 2007; pg. 5; P16 where the motivation "of providing a method of evaluating sales agent productivity" was stated.
- 39.** In response to Applicant's argument regarding claim 13 that the references fail to show certain features of Applicant's invention, it is noted that the features upon which applicant relies (i.e., sales agent availability) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
- 40.** With respect to claim 16, Applicant argues that Schultze discloses an additional step that the claim does not require, thus making the claim patentable over the applied art. The Examiner disagrees with this assertion and points to the language of claim 1 where the preamble recites a "method for managing sales leads in a sales lead system, the method *comprising*". The use of the transition, comprising, does not exclude additional elements, therefore the argument is not persuasive.

41. The Examiner notes that Applicant did not challenge the Official Notice of claim 12. The Examiner notes that the further processing of a lead toward a potential sale as a result of receiving a request from a client for a quote or additional product literature are taken to be admitted prior art because Applicant failed to traverse the Examiner's assertion of Official Notice.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./  
Examiner, Art Unit 3629

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629